

ADAM WANG (STATE BAR NUMBER 201233)
LAW OFFICES OF ADAM WANG
12 South First Street, Suite 613
San Jose, CA 95113
Tel: (408) 292-1040
Fax: (408) 286-6619

Attorney for Plaintiffs

BING RUI, ESQ. (CSB #203521)
JEFFREY A. CHEN, ESQ. (CSB #189514)
U.S.-China Law Group
A Professional Corporation
3031 Tisch Way, Suite 500
San Jose, California 95128
Telephone: (408) 261-5880
Facsimile: (408) 251-5888

Attorneys for Defendants

UNITED STATES DISTRICT COURT

FOR DISTRICT OF NORTHERN CALIFORNIA

MING-GUI LI, CHI-POE HSUEH, KING

KENUNG LAM, GUAN YU LI, YEN

SHIUNG HUANG

Plaintiffs,

vs.

OKRA Inc., dba CAFE OPHELIA, HSIU YUN

HUANG, does 1-10

Defendants

Case No.: C07-5731 PVT

JOINT CASE MANAGEMENT STATEMENT

In accordance with the Standing Order for All Judges of the Northern District of California, the parties in this matter hereby submit this Joint Case Management Conference Statement.

1 **1. JURISDICTION AND SERVICE**

2 The basis for the Court's subject matter jurisdiction over Plaintiff's claims is the Fair
3 Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*, as alleged in the Complaint. There are no
4 existing issues regarding personal jurisdiction or venue. There are no parties that remain to be
5 served.

6 **2. FACTS**

7 Plaintiffs were employed as restaurant workers for Defendant Okra Inc. doing business as
8 Café Ophelia during the four year period prior to the filing of his Complaint. In this action,
9 Plaintiffs seek overtime and other wage and hour claims against Defendants under the authority
10 of both federal and California law.

11 The principal factual issues in dispute are:

- 12 1. Whether and to what extent were Plaintiffs have not been paid overtime to which they are
13 entitled;
14 2. Whether the individual defendants have been properly sued.

15 **3. LEGAL ISSUES**

16 Plaintiffs assert that Defendants failed to pay them overtime pay in violation of California
17 Labor Code §§ 501 and 1194 as well as in violation of the Fair Labor Standards Act, 29 U.S.C.
18 §§ 201 *et seq.* Plaintiffs further allege that Defendants violated California Labor Code § 226.7
19 by failing to provide meal and rest periods to Plaintiffs. Plaintiffs further allege that Defendants
20 failed to pay Plaintiffs their wages upon termination in violation of California Labor Code § 201.
21 Finally, Plaintiffs seek restitution of overtime wages in accordance with California Business &
22 Professions Code § 17200.

23 In addition, Plaintiffs were recently informed that Defendants Oka Inc. have sold all three
24 restaurants it owned and operated, and has already been dissolved. Plaintiffs will accordingly
25 move to amend complaint seeking the liability of shareholder and board of directors.

1 **4. MOTIONS**

2 The parties anticipate the filing of the following motions:

3 (a) Plaintiff's motion to amend complaint to include

4 (b) Defendants' Motions for Partial Summary Judgment and/or Summary Judgment
5 to dismiss claims against individual defendants;

6 (c) Plaintiffs' Motion for Attorney's Fees.

7 **5. AMENDMENT OF PLEADINGS**

8 Plaintiffs were recently informed that Defendants Oka Inc. have sold all three restaurants
9 it owned and operated, and has already been dissolved. Plaintiffs will accordingly move to
10 amend complaint seeking the liability of shareholder and board of directors.

11 **6. EVIDENCE PRESERVATION**

12 Defendants have been notified by their counsel of the obligation to preserve all
13 electronically stored or other evidence, but it is not clear Defendants have not taken steps to do
14 so because the business has been sold.

15 **7. DISCLOSURES**

16 Parties agree to provide their initial disclosures no later than March 10, 2008.

17 **8. DISCOVERY**

18 Parties agree to adhere to the limitations set forth in the Federal Rules of Civil Procedure.

19 **9. CLASS ACTIONS**

20 N/A

21 **10. RELATED CASES**

22 There are no related cases or proceedings pending before another Judge of this Court or
23 before another Court or administrative body.

24 **11. RELIEF**

25 Plaintiff has no sufficient record or information to accurately calculate damages sustained.

1 **12. SETTLEMENT AND ADR**

2 The parties agree to participate in the court-sponsored mediation.

3 **13. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES**

4
5 Plaintiffs consent to the assignment of this to a magistrate judge for the all further
6 proceedings.

7 **14. OTHER REFERENCES**

8 The parties agree that that this case is not suitable for a binding arbitration and do agree
9 on any other reference.

10 **15. NARROWING OF ISSUES**

11 N/A

12 **16. EXPEDITED SCHEDULE**

13 The parties do not believe that this case can be put on an expedited schedule.

14 **17. SCHEDULING**

15 The parties submit the following schedule to this Court in relation to discovery, motions,
16 designation of experts, and pretrial conference and trial:

- 17 (a) Fact discovery cutoff on September 31, 2008;
- 18 (b) Expert reports October 15, 2008;
- 19 (c) Expert rebuttal reports October 31, 2008;
- 20 (d) Expert Discovery Cutoff November 15, 2008;
- 21 (e) Last day of hearing on dispositive motion on October 14, 2008;
- 22 (e) Trial Date: December 1, 2008
- 23 (f) The parties agree to meet and confer concerning any modifications to this plan.

24 **18. TRIAL**

25 Parties have requested a jury trial. Plaintiff estimates length of trial is 7 court days, while
defendants expect 3 to 4 days.

1 **19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS**

2 Parties have no one to report other than parties themselves.

3 **20. OTHER MATTERS**

4 None.

5 DATED: February 29, 2008

By: /s/ Adam Wang

ADAM WANG

Attorneys for Plaintiffs

Jie Yu

8 DATED: March 3, 2008

By: /Jeffery Chen

Jeffery Chen

Attorneys for Defendants